

*City of Taunton
Office of the Mayor*

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August 1, 2018

Martin Suuberg
MassDEP
One Winter Street, 2nd Floor
Boston, MA 02108

Re: Request for MassDEP to Address Outdated Marine DO Standards for Taunton
Estuary/Mount Hope Bay in 2018 Triennial Review

Dear Commissioner Suuberg:

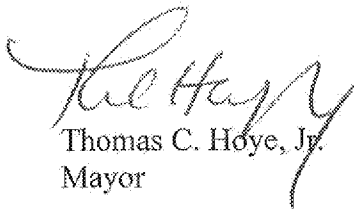
I am writing to ask your immediate assistance in helping the City of Taunton to avoid a major misallocation of its limited resources due to the ongoing application of outdated water quality standards for dissolved oxygen (DO). This issue was brought to MassDEP's attention well over three years ago, but thus far the outdated DO standards have yet to be revised. Most recently, we received a copy of a MassDEP presentation (attached) which confirmed that other, less restrictive criteria, based on EPA's published Section 304(a) marine DO criteria, are appropriate and fully protective of aquatic resources in the Taunton Estuary and Mount Hope Bay. These same updated DO criteria have already been adopted for the Rhode Island portion of Mount Hope Bay and approved by EPA as acceptable under the Clean Water Act. They were also adopted for Long Island Sound and Chesapeake Bay, to ensure nutrient reduction requirements were based on current scientific information. Given the available information and analyses conducted by MassDEP, this criteria update should be included as part of the Commonwealth's 2018 triennial review. In fact, our special counsel indicates that the Clean Water Act and its implementing regulations mandate this approach.

It is critical that this DO criteria update occurs at this time. As you know, the City is in the process of designing a significant wastewater plant upgrade addressing the processing of greater peak flows and increased nutrient removal. The costs of nitrogen removal increase dramatically for the City if the effluent limitations are more restrictive than 8 mg/l (>75% TN reduction). The EPA-issued permit presently under appeal has set the limitation at 3 mg/l – based on the claim that nitrogen was causing DO criteria violations in the Taunton Estuary.

However, EPA has indicated that it would consider the establishment of a less restrictive limit if the DO criteria were updated to a less restrictive value. Our assessment indicates that if the updated marine DO criteria were adopted, the Taunton Estuary would not have any DO impairments – they are simply an artifact of the outdated standard. Conditions in Mount Hope Bay, while improving, would likely have some ongoing violations, particularly when wet weather conditions occur causing stratification (as documented in the recent Narragansett Bay Estuary Program Report). However, the nitrogen reductions needed to address the potential impact of the City's discharge in Mount Hope Bay would not be expected to be less than 8 mg/l.

Please let the City know if the State's triennial review will also include updated marine DO criteria for the Taunton Estuary and Mount Hope Bay.

Respectfully,



Thomas C. Hoye, Jr.
Mayor

(enclosure)